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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,979	11/24/2003	Paul A. Weber	KCX-663 (18809)	3395
22827	7590	05/18/2006	EXAMINER	
DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			KIM, SANG K	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/720,979

Applicant(s)

WEBER ET AL.

Examiner

SANG KIM

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 45-78 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 45 and 62 are indefinite and vague. The term, "the first material sufficient to sustain temporary stoppages," is indefinite and vague. What constitutes the term "sufficient"?

Claims 45-78 are indefinite and vague. Applicant uses the term "actively" to decrease or accelerate the guide rolls throughout the claims; however, the term "actively" is indefinite and vague. What constitutes the guide rollers to become "actively"? If the guide rollers are rotated, does it become "actively" driven even without any power source directly connected to the guide rollers? Applicant needs to clarify the claims. For sake of prosecuting this case further, the term "actively" will be treated to provide some sort of drive directly attached to the guide roller.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 45-49, 52-55, 58-66, 69-72, and 75-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer, U.S. Patent No. 5163594, in view of Coenen et al., U.S. Patent No. 6562167 B2.

Regarding claims 45-48, 52-53, 58-59, 62-65, 69-70, and 75-76, Meyer '594 discloses unwinding a web material 11 using an unwind device with a festoon (e.g. accumulator) 10. The accumulator 10 has a plurality of rotatable guide rolls 70-73, 78-81, 35-36, which accumulates a determined length of the material to sustain temporary stoppages during the unwinding process. Certain guide rolls 70-73, 78-81 are not actively driven and certain guide rolls 35, 36 are actively decelerate or accelerate independent of each other with respect to the web material by using chain loops 126, 115, 118 and pneumatic actuators 96 and 97, see figures 2-5. In claim 62, the limitation of the guide rolls being decelerated based upon an amount of inertia contained in the respective guide roll so as to minimize tension increases or decreases in the first material is inherently taught by Meyer '594. Since Netwon's first law of motion states that "An object at rest tends to stay at rest and an object in motion tends to stay in motion with the same speed and in the same direction unless acted upon by an unbalanced force." Objects "tend to keep on doing what they're doing." Thus, when the guide rolls are in motion, each guide roll has its own inertia. However, the inertia and the tension in the guide rolls can be altered by moving the arms 37, 38 and the guide rolls 35, 36 by using chain loops 126, 115, 118 and pneumatic actuators 96 and 97.

Meyer '594 does not show the web material being fed into a process for forming absorbent articles.

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Coenen '167 discloses unwinding a strip material 104 being fed into a process for forming absorbent articles 114, see figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the process for controlling the material using the accumulator with a process for forming absorbent articles as taught by Coenen '167, to provide methods for making absorbent garments without having to temporary shut down the apparatus.

Regarding claims 49 and 66, as stated above, Meyer '594 discloses moving the arms 37, 38 with the guide rollers 35-36 are actively decelerate or accelerate independent of each other with respect to the web material by using chain loops 126, 115, 118 and pneumatic actuators 96 and 97 communicating with the infeed device's web speed controller, see figures 1 and 4-5, and column 7, lines 21-44.

Regarding claims 54 and 71, as stated above, Meyer '594 discloses the concept of splicing the web, see figure 1, and column 3, lines 37-42.

Regarding claims 55, 61, 72, and 78, as stated above, Meyer '594 discloses the accumulator having a carriage by using one of the arms 37, 38. The carriage by using one of the arms 37, 38 being movable towards the opposite arm with a second set of guide rolls 78-81 (i.e., an opposite set of rollers 78-81), see figure 2.

Regarding claims 60 and 77, as stated above, Coenen '167 discloses unwinding a strip material 104 being fed into a process for forming absorbent articles 114 with a non-woven bicomponent web having a basis weight of about 27 gsm, see figure 1, and column 12, lines 4-6.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to select the claimed weight based on the material being wound or unwound.

Claims 50-51, 56-57, 67-68, and 73-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer, U.S. Patent No. 5163594, in view of Coenen et al., U.S. Patent No. 6562167 B2, and further in view of Butler, Jr. et al., U.S. Patent No. 3822838.

Regarding claims 50-51 and 67-68, as stated above, Meyer '594 discloses chain loops 126, 115, 118, and pneumatic actuators 96 and 97 are used to actively decelerated or accelerated.

Butler '838 shows a stepper motor 32, 12 with a disc brake device 72, see figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use other actuating devices such as a stepper motor with a braking device accordingly to the invention as taught by Butler '838, to provide a proper controlling of the roll speed using a braking device and a motor.

With respect to claims 56-57 and 73-74, as stated above, Meyer '594 does not explicitly explain a rate of material being dispensed from the roll or a stoppage time for the material within the accumulator.

Butler '838 recognizes the material dispensing at high speeds, such as 1500 feet per minute. Furthermore, Butler '838 recognizes when the running roll is almost

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depleted, a commence splice signal relay can take for a selected time interval which the attenuator can take as must as 30-60 seconds, as described in column 8, lines 58-68, and column 9, lines 1-25.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to select the claimed dispensing rate and a stoppage time accordingly to the invention as taught by Butler '838, to provide a continuous unwinding of the material without any stoppage.

Response to Arguments

Claims 60-78 have been added.

Claim 45 has been amended.

Applicant's arguments with respect to claims 45-59 have been considered but are moot in view of the new ground(s) of rejection.

The added recitation that during steady state, at least certain of the guide rolls are not actively driven such that the guide rolls comprise idler rolls necessitated the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SK

5/11/06

Kathy Matecki

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